

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

RAJ DAVÉ,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:09cv866
)	GBL/IDD
DARBY & DARBY, P.C.,)	
)	
Defendant.)	

ANSWER TO COUNTERCLAIM

Plaintiff Raj Davé ("Davé") answers the counterclaim of Darby & Darby, P.C. ("Darby") as follows:

FIRST DEFENSE

1. Davé admits that he was a principal working in Darby's Washington, D.C., office and denies the remaining allegations contained in paragraph 1.
2. Davé admits the allegations contained in paragraph 2.
3. Davé admits the allegations contained in paragraph 3.
4. Davé admits that he was a principal working in Darby's Washington, D.C., office and owed certain duties as a result thereof and denies the remaining allegations contained in paragraph 4.
5. Davé admits that he responded to certain inquiries from Darby stockholders concerning office space in Washington, D.C., and denies the remaining allegations contained in paragraph 5.

6. Davé admits that he visited the space that Darby considered leasing and responded to certain inquiries from Darby stockholders concerning new office space and denies the remaining allegations contained in paragraph 6.

7. Davé admits that he had discussions with other law firms about joining them at certain times during 2008 and 2009, including Pillsbury Winthrop Shaw Pittman LLP, and denies the remaining allegations contained in paragraph 7.

8. Davé denies the allegations contained in paragraph 8.

9. Davé denies the allegations contained in paragraph 9.

10. Davé denies the allegations contained in paragraph 10.

11. Davé denies the allegations contained in paragraph 11.

12. Davé admits that Darby hired a scientific advisor and denies the remaining allegations contained in paragraph 12.

13. Davé admits that Darby hired a scientific advisor and denies the remaining allegations contained in paragraph 13.

14. Davé admits that he informed Darby on January 16, 2009, that he was leaving the firm and denies the remaining allegations contained in paragraph 14.

15. Davé denies the allegations contained in paragraph 15.

16. Davé lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16.

17. Davé denies the allegations contained in paragraph 17.

First Counterclaim

18. Davé repeats and reaffirms his responses to paragraphs 1 through 15 as if fully set forth herein.

19. Davé admits that he was a principal working in Darby's Washington, D.C. office and denies the remaining allegations contained in paragraph 19.

20. Davé admits that he was a principal working in Darby's Washington, D.C. office and owed certain duties as a result thereof and denies the remaining allegations contained in paragraph 20.

21. Davé denies the allegations contained in paragraph 21.

22. Davé denies the allegations contained in paragraph 22.

23. Davé denies the allegations contained in paragraph 23.

24. Davé denies the allegations contained in paragraph 24.

25. Davé lacks knowledge or information sufficient to form a belief as to the truth of the allegations concerning the terms on any lease signed by Darby and denies the remaining allegations contained in paragraph 25.

26. Davé lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26.

27. Davé denies the allegations contained in paragraph 27.

28. Davé denies the allegations contained in paragraph 28.

SECOND DEFENSE

The complaint fails to state a claim upon which relief can be granted.

THIRD DEFENSE

Darby failed to mitigate its damages.

FOURTH DEFENSE

Darby is barred from recovery because of its prior material breach of fiduciary duty through its failure to disclose material facts concerning the status of its finances to Davé before he joined Darby.

WHEREFORE, Raj Davé prays that counterclaim be dismissed with prejudice and that he be awarded pre- and post-judgment interest, costs and such further relief as is just and equitable.

Dated: October 5, 2009

/s/ Adrien C. Pickard
Philip J. Harvey, VSB #37941
(pharvey@fiskeharvey.com)
Adrien C. Pickard, VSB # 65833
(apickard@fiskeharvey.com)
FISKE & HARVEY, PLLC
100 N. Pitt St., Suite 206
Alexandria, Virginia 22314
Phone: (703) 518-9910
Facsimile: (703) 518-9931
*Counsel for Plaintiff/Counterclaim-
Defendant Raj Davé*

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of October, 2009, I electronically filed the foregoing Answer to Counterclaim with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to the following:

Benjamin Chew (VSB # 29113)
bchew@pattonboggs.com
PATTON BOGGS, LLP
2550 M Street, NW
Washington, DC 20037
Telephone: (202) 457-6000
Facsimile: (202) 457-6482
Counsel for Darby & Darby, P.C.

Paul D. Sarkozi
sarkozi@thslaw.com
TANNEBAUM, HELPERN SYRACUSE & HIRSCHTRITT, LLP
900 Third Avenue
New York, NY 10022
Telephone: (212) 508-6700
Facsimile: (212) 371-1084
Of Counsel for Darby & Darby, P.C.

/s/ Adrien C. Pickard
Adrien C. Pickard (VSB #65833)
(apickard@fiskeharvey.com)
FISKE & HARVEY, PLLC
100 N. Pitt Street, Suite 206
Alexandria, VA 22314
Telephone: 703.518.9910
Facsimile: 703.518.9931
Counsel for Raj Davé